

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS OLGA SOKOLOVSKY

(b) County of Residence of First Listed Plaintiff PHILADELPHIA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number) Cary L. Flitter, Esq., and  
Theodore E. Lorenz, Esq., Lundy, Flitter, Beldecos & Berger, P.C., 450 N. Narberth Avenue,  
Narberth, PA 19072, (610) 822-0782

## DEFENDANTS FULTON FRIEDMAN &amp; GULLACE, LLP

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/>
Citizen of Another State	<input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/>
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 Foreign Nation	<input type="checkbox"/> 6	<input checked="" type="checkbox"/>

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>PROPERTY RIGHTS</b>	<b>400 State Reapportionment</b>
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 450 Commerce
<input checked="" type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 510 Fair Labor Standards Act	<input type="checkbox"/> 510 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 520 Labor/Mgmt. Relations	<input type="checkbox"/> 550 Securities/Commodities/ Exchange
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury	<input type="checkbox"/> 530 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 575 Customer Challenge 12 USC 3410
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 540 Railway Labor Act	<input type="checkbox"/> 590 Other Statutory Actions
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 550 Motions to Vacate Sentence	<input type="checkbox"/> 591 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 555 Death Penalty	<input type="checkbox"/> 592 Black Lung (923)
			<input type="checkbox"/> 560 Mandamus & Other	<input type="checkbox"/> 593 DIWC/DIWW (405(g))
			<input type="checkbox"/> 570 Civil Rights	<input type="checkbox"/> 594 SSID Title XVI
			<input type="checkbox"/> 580 Prison Condition	<input type="checkbox"/> 595 RSI (405(g))
				<b>FEDERAL TAX SUITS</b>
				<input type="checkbox"/> 600 Other Labor Litigation
				<input type="checkbox"/> 610 Empl. Ret. Inc. Security Act
				<input type="checkbox"/> 620 Taxes (U.S. Plaintiff or Defendant)
				<input type="checkbox"/> 630 IRS—Third Party 26 USC 7609
				<b>892 Economic Stabilization Act</b>
				<b>893 Environmental Matters</b>
				<b>894 Energy Allocation Act</b>
				<b>895 Freedom of Information Act</b>
				<b>900 Appeal of Fee Determination Under Equal Access to Justice</b>
				<b>950 Constitutionality of State Statutes</b>

## V. ORIGIN

(Place an "X" in One Box Only)

1 Original Proceeding     2 Removed from State Court     3 Remanded from Appellate Court     4 Reinstated or Reopened     5 Transferred from another district (specify)     6 Multidistrict Litigation     7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause: FDCPA 15 USC § 1692

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23    **DEMAND \$**    CHECK YES only if demanded in complaint  
**JURY DEMAND:**  Yes     No.

## VIII. RELATED CASE(S) IF ANY

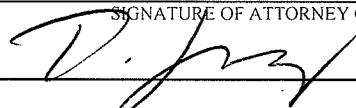
(See instructions): JUDGE

DOCKET NUMBER

DATE

1/31/12  
FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD



RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**APPENDIX I**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

OLGA SOKOLOVSKY	:	CIVIL ACTION
V.	:	:
FULTON FRIEDMAN & GULLACE, LLP	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. (      )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits (      )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (    X   )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. (      )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases) (      )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (      )

1/31/12  
Date

  
\_\_\_\_\_  
Attorney at Law

Theodore E. Lorenz  
\_\_\_\_\_  
Attorney for Plaintiff

(610) 822-0781  
Telephone  
(Civ.660) 10/02

(610) 667-0552  
Fax Number

Lorenz@lfbb.com  
E-Mail Address

**FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM** to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.Address of Plaintiff: 110 Byberry Road, Apt A6, Philadelphia, PA 19116Address of Defendant: 28 E. Main Street, Suite 500, Rochester NY 14614

Place of Accident, Incident or Transaction: \_\_\_\_\_

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))Yes  No Does this case involve multidistrict litigation possibilities? Yes  No **RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes  No
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes  No
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes  No

**CIVIL: (Place  in ONE CATEGORY ONLY)****A. Federal Question Cases:**

1.  Indemnity Contract, Marine Contract, and All Other Contracts
2.  FELA
3.  Jones Act-Personal Injury
4.  Antitrust
5.  Patent
6.  Labor-Management Relations
7.  Civil Rights
8.  Habeas Corpus
9.  Securities Act(s) Cases
10.  Social Security Review Cases
11.  All other Federal Question Cases

(Please specify) FDCPA, 15 USC § 1692

**B. Diversity Jurisdiction Cases:**

1.  Insurance Contract and Other Contracts
2.  Airplane Personal Injury
3.  Assault, Defamation
4.  Marine Personal Injury
5.  Motor Vehicle Personal Injury
6.  Other Personal Injury (Please specify)
7.  Products Liability
8.  Products Liability (Asbestos)
9.  All other Diversity Cases

(Please specify)

**ARBITRATION CERTIFICATION**

(Check appropriate Category)

I, \_\_\_\_\_, counsel of record do hereby certify:

 Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs; Relief other than monetary damages is sought**DATE:** \_\_\_\_\_

Attorney-at-Law

Attorney I.D.

**NOTE:** A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

**DATE:** 1/31/12

CIV.609 (4/03)

Attorney-at-Law

67795

Attorney I.D.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

OLGA SOKOLOVSKY  
110 Byberry Road, Apt. A6  
Philadelphia, PA 19116

Plaintiff,

vs.

CIVIL ACTION NO.

FULTON FRIEDMAN & GULLACE, LLP  
28 E. Main Street, Suite 500  
Rochester, NY 14614

Defendant.

**COMPLAINT**

**I. INTRODUCTION**

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 (“FDCPA”).

2. The FDCPA prohibits debt collectors from engaging in deceptive and unfair practices in the collection of a consumer debt.

3. Defendant is subject to strict liability for sending a collection letter which violates the provisions of the FDCPA.

**II. JURISDICTION**

4. Jurisdiction arises under 15 U.S.C. § 1692k, and 28 U.S.C. § 1337.

**III. PARTIES**

5. Plaintiff Olga Sokolovsky (“Plaintiff”) is a consumer who resides in Philadelphia, Pennsylvania at the address captioned.

6. Defendant Fulton Friedman & Gullace LLP (“Fulton Friedman”) is a collection law firm with an office for the regular transaction of business at the address captioned.

7. Defendant regularly engages in the collection of consumer debts in the Eastern District of Pennsylvania using the mails and telephone.

8. Defendant regularly attempts to collect consumer debts alleged to be due another.

9. Defendant is a “debt collector” as that term is contemplated in the FDCPA, 15 U.S.C. § 1692a(6).

**IV. STATEMENT OF CLAIM**

10. On February 8, 2011, Fulton Friedman sent Plaintiff a form collection letter in an attempt to collect a consumer debt alleged due its client. A copy of the February 8, 2011 letter is attached hereto as Exhibit A (redacted in part per Fed. R. Civ. 5.2).

11. The February 8, 2011 collection letter is on the letterhead of:

FULTON FRIEDMAN & GULLACE, LLP  
Collections, Consulting & Litigation

12. The February 8, 2011 collection letter states in part:

“[Y]our unpaid account referred to above has been referred to our office for collection. Disregard of this notice may result in the commencement of legal proceedings against you for collection of this debt. Note that if a lawsuit is commenced, the Court may assess additional charges for the court costs and other expenses of the lawsuit.”

13. The February 8, 2011 collection dun is signed by “Fulton Friedman & Gullace, LLP”.

14. The February 8, 2011 collection letter from Fulton Friedman represents or implies a level of attorney involvement in the sending of the collection letter. However, there was no such involvement.

15. In reality, and unbeknownst to the consumer, Fulton Friedman sends this form collection letter in its capacity as a debt collector only and not as a law firm acting like a real law firm should.

16. The sentence in the February 8, 2011 collection letter, “[A]t this time, no attorney with this firm has personally reviewed the particular circumstances of your account”, does not ameliorate the effect of the collection letter sent on attorney letterhead.

17. The FDCPA prohibits debt collectors from using any false, deceptive, or misleading representations or means in connection with the collection of any debt. 15 U.S.C. § 1692e.

#### **COUNT I - FAIR DEBT COLLECTION PRACTICES ACT**

18. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

19. The acts by Defendant described above violated the Fair Debt Collection Practices Act by using false, deceptive, or misleading representations or means in connection with the collection of any debt, in violation of 15 U.S.C. § 1692e, § 1692e(3) and § 1692e(10).

**WHEREFORE**, Plaintiff Olga Sokolovsky demands judgment against Defendant Fulton Friedman & Gullace, LLP, for:

- (a) Damages;
- (b) Attorney's fees and costs; and
- (c) Such other and further relief as the Court shall deem just and proper.

V. **DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury as to all issues so triable.

Respectfully submitted:

Date: 4/31/12



CARY L. FLITTER  
THEODORE E. LORENZ  
ANDREW M. MILZ  
Attorneys for Plaintiff

LUNDY, FLITTER, BELDECOS &  
BERGER, P.C.  
450 N. Narberth Avenue  
Narberth, PA 19072  
(610) 822-0781

# **EXHIBIT “A”**

COLLECTIONS, CONSULTING & LITIGATION

LICENSED IN ARIZONA, CALIFORNIA, DISTRICT OF COLUMBIA, MARYLAND, NEW YORK, PENNSYLVANIA, TENNESSEE & TEXAS

NEW YORK

NYC DEPARTMENT OF CONSUMER  
AFFAIRS LICENSES:  
1328139, 1344745 & 1344741

28 E. MAIN STREET, SUITE 500  
ROCHESTER, NEW YORK 14614  
800-869-2331

PENNSYLVANIA OFFICE  
130B GETTYSBURG PIKE  
MECHANICSBURG, PA 17055

February 8, 2011

OLGA SOKOLOVSKY  
110 BYBERRY RD APT A6  
PHILADELPHIA PA 19116

Re: CREDITOR: Midland Funding LLC (assignee of CITIBANK)  
TOTAL DUE: \$4503.28 FILE NO: [REDACTED]

Your unpaid account referred to above has been referred to our office for collection. Disregard of this notice may result in the commencement of legal proceedings against you for collection of this debt. Note that if a lawsuit is commenced, the Court may assess additional charges for the court costs and other expenses of the lawsuit.

**At this time, no attorney with this firm has personally reviewed the particular circumstances of your account. However, if you fail to contact this office, our client may consider additional remedies to recover the balance due.**

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this claim or any portion thereof, this office will assume this debt to be valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request of this office in writing within 30 days after receiving this notice this office will provide you with the name and address of the original creditor, if different from the current creditor.

Very truly yours,

Fulton, Friedman & Gullace, LLP



FFG#: 292767

**THIS IS AN ATTEMPT TO COLLECT A DEBT BY A DEBT COLLECTOR.**  
**ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**